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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,129	08/18/2006	Rodney Martin Sambrook	S1011/20206	1362

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EXAMINER

STELLING, LUCAS A

ART UNIT	PAPER NUMBER
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1797

NOTIFICATION DATE	DELIVERY MODE
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11/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

Office Action Summary	Application No. 10/598,129	Applicant(s) SAMBROOK, RODNEY MARTIN	
	Examiner Lucas Stelling	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-24-08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation that “the pores being coalesced such that the walls are formed between adjacent pores” is not found expressly in the originally filed disclosure, and Applicant’s argument in support of its implicit disclosure is not found persuasive; particularly the assertion that these limitations are shown in Figure 1.

These limitations are not clearly shown in Figure 1.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-4, and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by WIPO Publication No. WO03/071106 to Ajisaka et al. (“Ajisaka”) (Note: also published as U.S 2005/0147541 in English).
5. As to claims 1-4 Ajisaka teaches a method of treating a process stream by catalysis, comprising passing the process stream through a chemical reactor containing

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catalytic **(the chemical reactor is a diesel exhaust gas purifier or catalytic converter)** material and including the step of passing the process stream through a layer of material located in the reactor the layer comprising shaped porous bodies of ceramic material **(See Figs 4 and 5, and [0091] of the English publication)**, the porosity being from about 65% to about 90% **(See [0065] of English translation, porosity is 70-80%, 80% exceeds 75%)**, the pores being defined by struts and walls, with walls formed between adjacent pores **(See Figs. 1 and 2)** in at least some of which windows are formed to allow fluid communication between adjacent pores **(See Fig. 3, struts connected pores which are enclosed in walls. The communications channels, which reads on windows, between different pores are sized between is 10-50 μ m, which is less than 450 μ m; and the pore size is 500 μ m which is between 50 μ m and 1500 μ m).**

6. As to claim 6, catalytic coating is taught **(See [0003] of the English translation)**.

7. Claim 5 is rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ajisaka.

8. As to claim 5, Ajisaka teaches that the bulk relative density, or bulk specific gravity of, 0.28 which is between 0.1 and 0.3. In the alternative it would have been obvious to a person of ordinary skill in the art to optimize the density of the ceramic bodies for the particular filtering application they are to be used in.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ajsaka in view of U.S. Patent No. 4,641,496 to Wade ("Wade") and U.S. Patent No. 4,276,066 to Bly et al. ("Bly").

10. As to claim 7, Ajisaka teaches the method of claim 1, but Ajisaka does not teach that the porous ceramic bodies are held in a rotating wheel or slide configuration. Both Bly and Wade teach the use of a moving member for blocking part of the ceramic filter element for regeneration purposes (**See Bly Fig. 1, and Wade Fig. 1**). It is within the skill of a person of ordinary skill in the art to reverse the operation of the device and rotate the filter member in front of a stationary blocking shield. See MPEP 2144.04(VI)(A). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to hold the filter material in a rotating wheel configuration and expose only a portion of it at any one time in order to provide for a regenerative process to the material.

Response to Arguments

11. Applicant's arguments filed 10-24-08 have been fully considered but they are not persuasive.

12. Applicant's first main argument is that Ajisaka does not contain the same pore structure as applicant's claim 1; particularly that Ajisaka contains "channels" but that these are not "windows" as claimed. The "channels" in Ajisaka are windows because they are ports between the pores which allow for fluid communication.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Stelling whose telephone number is (571)270-3725. The examiner can normally be reached on Monday through Thursday 12:00PM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

las 11-04-08

/Duane S. Smith/
Supervisory Patent Examiner, Art
Unit 1797
11-4-08